

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
_____)	
)	Hon. Patti B. Saris
THIS DOCUMENT RELATES TO THE)	
AMENDED MASTER CONSOLIDATED)	Chief Mag. Judge Marianne B. Bowler
CLASS ACTION)	
_____)	

**DEFENDANTS' MOTION TO COMPEL THIRD PARTY
HEALTH NET, INC. TO PRODUCE DOCUMENTS PURSUANT TO SUBPOENA**

Defendants to the Amended Master Consolidated Class Action Complaint respectfully move this Court for an order compelling third party Health Net, Inc. to produce relevant documents pursuant to the revised subpoena served upon them on April 30, 2004 and for such other and further relief as the Court deems just and appropriate. The grounds for this motion are set forth in the accompanying memorandum of law and exhibits.


REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d) the undersigned counsel hereby request oral argument on the issues set forth in this motion and the accompanying memorandum of law and exhibits.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certify that counsel for defendants conferred with counsel for third party Health Net, Inc. regarding the issues addressed in this motion, but were unable to resolve or further narrow the issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. D. Schau', is written over a horizontal line.

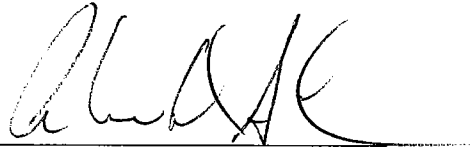
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Johnson, Centocor Inc. Ortho Biotech
Products L.P., Janssen Pharmaceutica L.P.
and McNeil-PPC on behalf of all defendants
to the Amended Master Consolidated Class
Action Complaint*

Dated: November 17, 2004

CERTIFICATE OF SERVICE

I certify that on November 17, 2004, a true and correct copy of the forgoing Defendants' Motion To Compel Third Party Health Net, Inc. To Produce Documents Pursuant To Subpoena was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties. I further certify that a copy was served on November 17, 2004 on counsel for third party Health Net, Inc. by Federal Express.

A handwritten signature in black ink, appearing to read 'Andrew D. Schau', is written over a horizontal line.

Andrew D. Schau